

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF GEORGIA

FILED IN OPEN COURT  
U.S.D.C. Atlanta

ATLANTA DIVISION

MAR 15 2006

UNITED STATES OF AMERICA

v.

ROLFI ESPITIA-TOCUA,  
CARLOS ALEXANDER TOCUA,  
ALFREDO MORENO-RIVERA,  
RAFAEL MARMOL,  
RAFAEL TEJEDA,  
EDGAR BAEZ,  
HERIBERTO LANZOT,  
OSWALDO MAYA,  
WILSON A. CANDELERIO-DURAN,  
RAMON F. FLORES,  
FREDDY RIVERA, and  
JOSE R. CURRAS-MORALES,  
a.k.a Manky,

LUTHER D. THOMAS, Clerk  
By:  
CRIMINAL INDICTMENT Deputy Clerk

NO.

1:06-CR-133-6

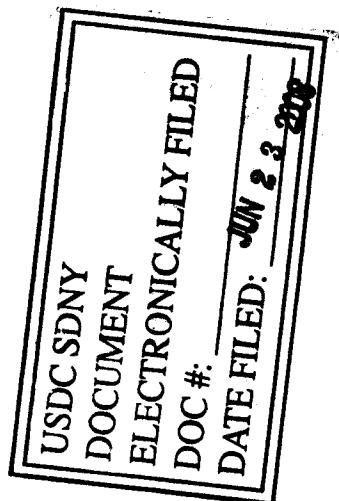
08 CRIM 568

THE GRAND JURY CHARGES THAT:

COUNT ONE

From a date unknown to the grand jury, but at least by on or about November 18, 2003, and continuing until on or about the date of the return of this indictment, within the Northern District of Georgia, Bogota, Colombia, South America, New York, New York, Puerto Rico, Brockton, Massachusetts, Philadelphia, Pennsylvania, and elsewhere, the defendants,

ROLFI ESPITIA-TOCUA,  
CARLOS ALEXANDER TOCUA,  
ALFREDO MORENO-RIVERA,  
RAFAEL MARMOL,  
RAFAEL TEJEDA,  
EDGAR BAEZ,  
HERIBERTO LANZOT,  
OSWALDO MAYA,  
WILSON A. CANDELERIO-DURAN,



RAMON F. FLORES,  
FREDDY RIVERA, and  
JOSE R. CURRAS-MORALES, a.k.a Manky,

together with others, both known and unknown to the grand jury, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with one another to commit violations of the laws of the United States of America, to wit: Title 18, United States Code, Section 1956(a)(1)(A)(i), (a)(1)(B)(i), and 1957 as follows: to conduct and attempt to conduct, a financial transaction affecting interstate and foreign commerce, (1) which transaction involved the proceeds of a specified unlawful activity, that is, the importation, concealment, buying, selling and otherwise dealing in controlled substances, punishable under the laws of the United States of America, with the intent to promote the carrying on of such specified unlawful activity; and (2) to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, knowing that the property involved in the financial transaction represented the proceeds of some form of unlawful activity; and (3) to knowingly engage, attempt to engage and cause and aid and abet others in engaging in monetary transactions in criminally derived property that was of a value greater than \$10,000, in violation of Title 18, United States Code, Section 1957;

MANNER AND MEANS

In order to further the object of engaging in financial transactions with proceeds of a specified unlawful activity with the intent to promote the carrying on of the specified unlawful activity and with the intent to conceal and disguise the nature, location, source, ownership and control of said proceeds, and to knowingly engage, attempt to engage and cause and aid and abet others in engaging in monetary transactions in criminally derived property that was of a value greater than \$10,000, the conspirators used the following manners and means:

1. Members of the conspiracy gave instructions to initiate the collection of the proceeds from drug sales, (currency), in various locations, including but not limited to New York, New York, Miami, Florida, Brockton, Massachusetts, Philadelphia, Pennsylvania, and Puerto Rico, and members of the conspiracy delivered said drug proceeds to undercover agents.
2. The proceeds from drug sales in the form of currency (bank notes), which were delivered to undercover agents, were deposited into various financial institutions thereby converting the bank notes into electronic funds maintained in bank accounts.
3. Affecting interstate and foreign commerce, the electronic funds moved through financial institutions from the

original location of the currency pickups to a bank account in Lilburn, Georgia, where it was used to pay for textiles and shipping costs, and for profits, of Be and Ba, LLC.

4. Members of the conspiracy in Colombia received in Colombian pesos an amount approximately equivalent to the amount of U.S. dollars that had been collected in drug proceeds in the United States. Those pesos were generated by the sales of textiles sent by Be and Ba, LLC, from the United States and elsewhere to Colombia and sold to purchasers in Colombia.
5. In some instances, rather than receiving Colombian pesos generated by sales of textiles in Colombia by Be and Ba, LLC, members of the conspiracy provided instructions and/or caused others to provide instructions via telephone, fax, and/or email to conduct financial transactions (electronic fund transfers), affecting interstate and foreign commerce by moving the electronic funds (drug proceeds picked up and deposited into bank accounts) through financial institutions from the original location of the currency pickups to accounts in the United States and abroad.

All in violation of Title 18, United States Code, Section 1956 (h).

COUNT TWO

From a date unknown to the grand jury, but at least by on or about November 18, 2003, and continuing until on or about the date of the return of this indictment, in the Northern District of Georgia and elsewhere, the defendants,

ROLFI ESPITIA-TOCUA,  
CARLOS ALEXANDER TOCUA,  
ALFREDO MORENO-RIVERA,  
RAFAEL MARMOL,  
RAFAEL TEJEDA,  
EDGAR BAEZ,  
HERIBERTO LANZOT,  
OSWALDO MAYA,  
WILSON A. CANDELERIO-DURAN,  
RAMON F. FLORES,  
FREDDY RIVERA, and  
JOSE R. CURRAS-MORALES, a.k.a Manky,

together with others, both known and unknown to the grand jury, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with one another to commit violations of Title 21, United States Code, Section 841(a)(1), that is, to willfully aid and abet the distribution of at least five (5) kilograms of a mixture containing cocaine, a Schedule II controlled substance, at least one kilogram of a mixture containing heroin, a Schedule I controlled substance, and other controlled substances, by and through the "laundering" of proceeds from the sale of cocaine, heroin, and other controlled substances.

All in violation of Title 21, United States Code, Sections 841(b)(1)(A)(i) and (ii), 841(b)(1)(C) and 846, and Title 18, United States Code, Section 2.

COUNTS THREE THROUGH THIRTY-SEVEN

On or about the dates set forth below, in the Northern District of Georgia and elsewhere, the defendant,

ROLFI ESPITIA-TOCUA,

and other defendants as specified below, aided and abetted by each other and others, both known and unknown to the grand jury, did knowingly conduct, and attempt to conduct, financial transactions affecting interstate and foreign commerce, (1) which transactions involved the proceeds of a specified unlawful activity, that is, the importation, concealment, buying, selling and otherwise dealing in controlled substances, punishable under the laws of the United States of America, with the intent to promote the carrying on of such specified unlawful activity; and (2) to conceal and disguise the nature, location, source, ownership, and control of the proceeds of said specified unlawful activity, knowing that the property involved in the financial transactions represented the proceeds of some form of unlawful activity:

Relating to the November 18, 2003, money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
3	11/25/03	ALFREDO MORENO-RIVERA	\$ 86,299	BB&T BANK Lilburn, Georgia

Relating to the January 6, 2004 money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
4	1/15/04	RAFAEL MARMOL RAFAEL TEJEDA	\$126,733	BB&T BANK Lilburn, Georgia
5	1/20/04	RAFAEL MARMOL RAFAEL TEJEDA	\$90,898	BB&T BANK Lilburn, Georgia
6	1/26/04	RAFAEL MARMOL RAFAEL TEJEDA	\$44,265	BB&T BANK Lilburn, Georgia

Relating to both the November 18, 2003, and January 6, 2004, money pick-ups in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
7 ✓	3/10/04	ALFREDO MORENO-RIVERA RAFAEL MARMOL RAFAEL TEJEDA	\$ 50,864	BB&T BANK Lilburn, Georgia

Relating to the March 10, 2004, money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
8 ✓	6/02/04	EDGAR BAEZ	\$ 5,997	BB&T BANK Lilburn, Georgia

Relating to the May 18, 2004, money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
9	5/25/04	none	\$ 79,557	BB&T BANK Lilburn, Georgia
10	6/07/04	none	\$ 10,121	BB&T BANK Lilburn, Georgia

Relating to the May 20, 2004, money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
11	5/25/04	none	\$116,536	BB&T BANK Lilburn, Georgia
12	6/10/04	none	\$ 11,687	BB&T BANK Lilburn, Georgia

Relating to the August 24, 2004, money-pick-up in Miami, Florida:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
13	8/27/04	none	\$148,761	BB&T BANK Lilburn, Georgia
14	9/08/04	none	\$ 9,069	BB&T BANK Lilburn, Georgia

Relating to the October 26, 2004, money pick-up in New York, New York:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
15	10/27/04	OSWALDO MAYA	\$300,000	SUNTRUST BANK Atlanta, Georgia
16	10/28/04	OSWALDO MAYA	\$257,698	BB&T BANK Lilburn, Georgia
17✓	11/04/04	OSWALDO MAYA	\$18,865	BB&T BANK Lilburn, Georgia

Relating to the May 2, 2005, money pick-up in Puerto Rico:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
18	5/04/05	WILSON A. CAN-DELARIO-DURAN	\$197,302	SUNTRUST BANK Atlanta, Georgia
19	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 40,000	BARCLAYS BANK PLC for beneficiary FIRST CURACAO INT'L BANK
20	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 30,000	BANK OF NEW YORK
21	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 14,000	BANK OF AMERICA NA
22	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 11,000	WACHOVIA BANK NA OF FLORIDA
23	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 18,000	CITIBANK NA
24	5/06/05	WILSON A. CAN-DELARIO-DURAN	\$ 68,529	UNION PLANTERS BANK, N.A.

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
25✓	5/20/05	WILSON A. CAN-DELARIO-DURAN	\$ 7,892	BB&T BANK Lilburn, Georgia

Relating to the July 28, 2005, money pick-up in Brockton, Massachusetts:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
26	7/29/05	RAMON F. FLORES CARLOS ALEXANDER TOCUA	\$218,930	SUNTRUST BANK Atlanta, Georgia
27	8/01/05	RAMON F. FLORES CARLOS ALEXANDER TOCUA	\$185,091	BB&T BANK Lilburn, Georgia
28✓	8/11/05	RAMON F. FLORES CARLOS ALEXANDER TOCUA	\$ 16,822	BB&T BANK Lilburn, Georgia

Relating to the July 29, 2005, money pick-up in Philadelphia, Pennsylvania:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
29	8/02/05	FREDDY RIVERA CARLOS ALEXANDER TOCUA	\$301,315	SUNTRUST BANK Atlanta, Georgia
30	8/02/05	FREDDY RIVERA CARLOS ALEXANDER TOCUA	\$267,879	BB&T BANK Lilburn, Georgia
31✓	8/11/05	FREDDY RIVERA CARLOS ALEXANDER TOCUA	\$16,717	BB&T BANK Lilburn, Georgia

Relating to the August 12, 2005, money pick-up in Puerto Rico:

<u>COUNT</u>	<u>DATE OF TRANSFER</u>	<u>ADDITIONAL DEFENDANTS</u>	<u>APPROXIMATE AMOUNT OF TRANSFER</u>	<u>FUNDS TRANSFERRED TO:</u>
32	8/16/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 99,992	SUNTRUST BANK Atlanta, Georgia
33	8/16/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 99,992	SUNTRUST BANK Atlanta, Georgia
34	8/17/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 20,000	DAIWA BANK, LTD. Japan
35	8/17/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 68,509	STANDARD CHARTERED BANK LTD for beneficiary GNB BANK PANAMA, S.A.
36	8/18/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 95,500	THE BANKERS BANK for beneficiary FIRST PRYORITY BANK
37 ✓	8/24/05	JOSE R. CURRAS-MORALES a.k.a. Manky CARLOS ALEXANDER TOCUA	\$ 8,000	BB&T BANK Lilburn, Georgia

All in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

#### FORFEITURE PROVISIONS

Pursuant to Title 18, United States Code, Section 982(a)(1), each defendant who is convicted of one or more of the offenses set forth in Counts one and three through thirty-seven of this Indictment, shall forfeit to the United States the following property:

a. All right, title, and interest in any and all property involved in each offense in violation of Title 18, United States Code, Section 1956, 1957, or conspiracy to commit such offense, for which the defendant is convicted, and all property traceable to such property, including the following: 1) all money or other property that was the subject of each transaction, transportation, transmission or transfer in violation of Section 1956 or 1957; 2) all commissions, fees and other property constituting proceeds obtained as a result of those violations; and 3) all property used in any manner or part to commit or to facilitate the commission of those violations, including but not limited to:

1. MONEY JUDGMENT

A sum of money equal to the total amount of money involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are jointly and severally liable for the amount involved in such offense.

2. BANK ACCOUNTS

a. An amount not to exceed \$14,000.00 from an account maintained at Bank of America, account number 003761307765 (Luis Hernando Santa Maria);

- b. An amount not to exceed \$30,000.00 from an account maintained at Bank of New York, account number 3540053536 (International Transportation and Equipment);
- c. An amount not to exceed \$14,000.00 from an account maintained at Union Men-Union Planters Bank, account number 9600110979 (Carmen Urdaneta);
- d. An amount not to exceed \$11,000.00 from an account maintained at Wachovia Bank, account number 1010087100080 (Paul Garcia).

Additionally, upon conviction of the controlled substance offenses alleged in Count two of this Indictment, the defendant(s), shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violation, including but not limited to the following:

1. MONEY JUDGMENT

A sum of money equal to the total amount of money involved in each offense, or conspiracy to commit such offense, for which the defendant is convicted. If more than one defendant is convicted of an offense, the defendants so convicted are

jointly and severally liable for the amount involved in such offense.

2. BANK ACCOUNTS

- a. An amount not to exceed \$14,000.00 from an account maintained at Bank of America, account number 003761307765 (Luis Hernando Santa Maria);
- b. An amount not to exceed \$30,000.00 from an account maintained at Bank of New York, account number 3540053536 (International Transportation and Equipment);
- c. An amount not to exceed \$14,000.00 from an account maintained at Union Men-Union Planters Bank, account number 9600110979 (Carmen Urdaneta);
- d. An amount not to exceed \$11,000.00 from an account maintained at Wachovia Bank, account number 1010087100080 (Paul Garcia).

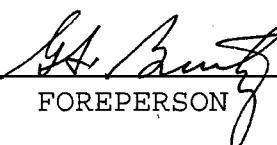
If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s) :

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant(s) up to the value of the forfeitable property described above.

All pursuant to Title 18, United States Code, Section 982(a)(1) and Title 21, United States Code, Section 853, and Rule 32.2(a), Federal Rules of Criminal Procedure.

A True BILL

  
\_\_\_\_\_  
FOREPERSON

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

  
SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY  
600 U.S. Courthouse  
75 Spring Street, S.W.  
Atlanta, GA 30303  
404/581-6000 OFFICE  
404/581-6171 FACSIMILE  
Georgia Bar No. 688565

*Sandra L. Stryjinski for*

EVAN S. WEITZ  
ASSISTANT U.S. ATTORNEY  
GEORGIA BAR NO. Provisionally  
Admitted Pursuant to Local Rule 83.1

600 U.S. COURTHOUSE  
75 SPRING STREET, S.W.  
ATLANTA, GEORGIA 30303  
(404) 581-6036 OFFICE  
(404) 581-6234 FACSIMILE

To: Rita Glavin  Assistant U.S. Attorney	District  Southern District of New York	Date  May 9, 2008
Name of Subject  EDGAR BAEZ	Statute Violated  18 U.S.C. §1956, 21 U.S.C. § 846	File Date ( <i>Initials and Number</i> )

#### Part A - District of Arrest

The above-named subject has been apprehended in your jurisdiction and indicates amenability to Rule 20 disposition in your district of the charges pending against him in the Northern District of Georgia. Kindly indicate whether you are agreeable to Rule 20 disposition. If you agree to a Rule 20 disposition in your district, please sign as indicated on page 1.

Enclosed is a certified copy of waiver of indictment executed by defendant. Kindly file criminal information and forward two certified copies thereof.

Enclosed is Consent to Transfer form executed in duplicate (one copy for your files) by defendant and the United States Attorney in the district of arrest. Kindly add your consent and have the Clerk of your district transmit the papers in the proceedings or certified copies thereof to the Clerk of the Court in this district in accordance with Rule 20.

Docket no. \_\_\_\_\_

Other (*Specify*): \_\_\_\_\_

The above-named defendant entered a plea of guilty under Rule 20.

Date of Plea                      Date of Sentence                      Sentence

From (Signature and Title)  Sandra E. Strippoli Assistant U.S. Attorney	Address  75 Spring St., S.W. Suite 600 Atlanta, GA 30303
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#### Part B - District of Offense

I am agreeable to Rule 20 disposition.

I am not agreeable to Rule 20 disposition. Defendant's appearance is desired at (*Kindly notify me of any anticipated delay*).

Enclosed are two certified copies of the indictment, docket no. 1:07-CR-133-06-CAP

Please have defendant execute waiver of indictment.

Other (*Specify*): \_\_\_\_\_

Signature ( <i>Name and Title</i> )  Sandra E. Strippoli Assistant U.S. Attorney	District  Northern District of Georgia	Date  May 9, 2008
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See United States Attorneys Manual 9-14.000 for an explanation of procedures under Rules 7 & 20, Federal Rules of Criminal Procedure.

Replaces OBD-101, Feb. 83 edition may be used

CLOSED

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CRIMINAL DOCKET FOR CASE #: 1:06-cr-00133-CAP-AJB-6  
Internal Use Only**

Case title: USA v. Espitia-Tocua et al

Date Filed: 03/15/2006

Date Terminated: 05/29/2008

Assigned to: Judge Charles A. Pannell,  
Jr**ATTEST: A TRUE COPY  
CERTIFIED THIS**Referred to: Magistrate Judge Alan J.  
Baverman

JUN 02 2008

James M. Hatten, Clerk  
By: Deputy Clerk**Defendant (6)****Edgar Baez**

TERMINATED: 05/29/2008

represented by **Edgar Baez**  
PRO SE**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Disposition****Terminated Counts**18:1956(h) - MONEY LAUNDERING:  
NARCOTICS - SELL, DISTRIBUTE  
OR DISPENSE  
(1)RULE 20 TRANSFER TO USDC  
Southern District of New York21:841(b)(1)(A)(i) and (ii), 841(b)(1)(C)  
and 846, and 18:2 NARCOTICS - SELL,  
DISTRIBUTE, OR DISPENSE  
(2)RULE 20 TRANSFER TO USDC  
Southern District of New York18:1956(a)(1)(A)(i), 1956(a)(1)(B)(i)  
and 2: MONEY LAUNDERING:  
NARCOTICS - SELL, DISTRIBUTE  
OR DISPENSE  
(8)RULE 20 TRANSFER TO USDC  
Southern District of New York

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **Evan S. Weitz**

U.S. Attorney's Office - ATL  
 600 Richard Russell Building  
 75 Spring Street, S.W.  
 Atlanta, GA 30303  
 404-581-6036  
 Email: evan.weitz@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sandra Elizabeth Strippoli**  
 Office of United States Attorney  
 Northern District of Georgia  
 75 Spring Street, S.W.  
 600 United States Courthouse  
 Atlanta, GA 30303  
 404-581-6304  
 Email: Sandy.Strippoli@usdoj.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/15/2006	<u>1</u>	INDICTMENT as to Rolfi Espitia-Tocua (1) counts 1, 2, 3-37; Carlos Alexander Tocua (2) counts 1, 2, 26-37; Alfredo Moreno-Rivera (3) counts 1, 2, 3, 7; Rafael Marmol (4) counts 1, 2, 4-7; Rafael Tejeda (5) counts 1, 2, 4-7; Edgar Baez (6) counts 1, 2, 8; Heriberto Lanzot (7) counts 1, 2; Oswaldo Maya (8) counts 1, 2, 15-17; Wilson A. Candelerio-Duran (9) counts 1, 2, 18-25; Ramon F. Flores (10) counts 1, 2, 26-28; Freddy Rivera (11) counts 1, 2, 29-31; Jose R. Curras-Morales (12) counts 1, 2, 32-37; WITH FORFEITURE PROVISION. (Unsealed 4/26/06 by Order of Magistrate Judge C. Christopher Hagy.) (se) (Entered: 04/26/2006)
03/15/2006	<u>2</u>	MOTION to Seal Indictment by USA as to Rolfi Espitia-Tocua, Carlos Alexander Tocua, Alfredo Moreno-Rivera, Rafael Marmol, Rafael Tejeda, Edgar Baez, Heriberto Lanzot, Oswaldo Maya, Wilson A. Candelerio-Duran, Ramon F. Flores, Freddy Rivera, Jose R. Curras-Morales. (se) (Entered: 04/26/2006)

03/15/2006	<u>3</u>	ORDER GRANTING <u>2</u> Motion to Seal Indictment as to Rolfi Espitia-Tocua (1), Carlos Alexander Tocua (2), Alfredo Moreno-Rivera (3), Rafael Marmol (4), Rafael Tejeda (5), Edgar Baez (6), Heriberto Lanzot (7), Oswaldo Maya (8), Wilson A. Candelerio-Duran (9), Ramon F. Flores (10), Freddy Rivera (11), Jose R. Curras-Morales (12). Signed by Judge Alan J. Baverman on 3/15/06. (se) (Entered: 04/26/2006)
03/15/2006	<u>11</u>	Praeclipe filed. Detainer Warrant Issued as to Edgar Baez and delivered to USM on 3/15/06. (se) Modified on 5/1/2006 to add detainer (se). (Entered: 04/26/2006)
04/26/2006	<u>18</u>	MOTION to Unseal Indictment by USA as to Rolfi Espitia-Tocua, Carlos Alexander Tocua, Alfredo Moreno-Rivera, Rafael Marmol, Rafael Tejeda, Edgar Baez, Heriberto Lanzot, Oswaldo Maya, Wilson A. Candelerio-Duran, Ramon F. Flores, Freddy Rivera, Jose R. Curras-Morales. (se) (Entered: 04/26/2006)
04/26/2006	<u>19</u>	ORDER GRANTING <u>18</u> Motion to Unseal Indictment as to Rolfi Espitia-Tocua (1), Carlos Alexander Tocua (2), Alfredo Moreno-Rivera (3), Rafael Marmol (4), Rafael Tejeda (5), Edgar Baez (6), Heriberto Lanzot (7), Oswaldo Maya (8), Wilson A. Candelerio-Duran (9), Ramon F. Flores (10), Freddy Rivera (11), Jose R. Curras-Morales (12). Signed by Judge C. Christopher Hagy on 4/26/06. (se) (Entered: 04/26/2006)
04/26/2006	<u>23</u>	Defendant Information Sheet as to Edgar Baez. (se) (Entered: 04/28/2006)
05/03/2006		Case as to Rolfi Espitia-Tocua, Carlos Alexander Tocua, Alfredo Moreno-Rivera, Rafael Marmol, Rafael Tejeda, Edgar Baez, Heriberto Lanzot, Oswaldo Maya, Wilson A. Candelerio-Duran, Ramon F. Flores, Freddy Rivera, Jose R. Curras-Morales Assigned to District Judge Charles A. Pannell and Magistrate Judge Alan J. Baverman. (epm) (Entered: 05/04/2006)
09/19/2006	<u>102</u>	Petition for Leave of Absence for the following date(s): October 6, 2006, through November 7, 2006, by Sandra Elizabeth Strippoli. (Attachments: # <u>1</u> Text of Proposed Order)(Strippoli, Sandra) (Entered: 09/19/2006)
09/20/2006	<u>103</u>	ORDER GRANTING re <u>102</u> Plaintiff's Petition for Leave of Absence from October 6, 2006 through November 7, 2006 as to Rolfi Espitia-Tocua, Carlos Alexander Tocua, Alfredo Moreno-Rivera, Rafael Marmol, Rafael Tejeda, Edgar Baez, Heriberto Lanzot, Oswaldo Maya, Wilson A. Candelerio-Duran, Ramon F. Flores, Freddy Rivera and Jose R. Curras-Morales. Signed by Judge Charles A. Pannell Jr. on 9/20/06.(epm) (Entered: 09/21/2006)
01/10/2007	<u>153</u>	Notice for Leave of Absence for the following date(s): February 5, 2007 through February 9, 2007 and February 20, 2007 through February 23, 2007, by Sandra Elizabeth Strippoli. (Strippoli, Sandra) (Entered: 01/10/2007)
01/22/2007	<u>157</u>	ORDER as to Rolfi Espitia-Tocua, Carlos Alexander Tocua, Alfredo Moreno-Rivera, Rafael Marmol, Rafael Tejeda, Edgar Baez, Heriberto Lanzot, Oswaldo Maya, Wilson A. Candelerio-Duran, Ramon F. Flores, Freddy Rivera, Jose R. Curras-Morales re <u>153</u> Application for Leave of Absence 2/5-9/2007 and 2/20-23/2007, but only as to court appearances before the undersigned Magistrate Judge. Signed by Judge Alan J. Baverman on 1/22/2007.(adg) (Entered:

		01/23/2007)
03/16/2007	<u>169</u>	Sealed Document. (fap) (Entered: 03/16/2007)
05/01/2007	<u>175</u>	Notice for Leave of Absence for the following date(s): July 11 through July 25, 2007, by Sandra Elizabeth Strippoli. (Strippoli, Sandra) (Entered: 05/01/2007)
05/29/2008	<u>254</u>	CONSENT TO TRANSFER JURISDICTION (Rule 20) to United States District Court for the Southern District of New York Counts closed as to Edgar Baez (6) Count 1,2,8. (adg) (Entered: 06/02/2008)
06/02/2008	<u>255</u>	Transmitted Transfer of Jurisdiction form re: <u>254</u> Rule 20 - Transfer Out as to Edgar Baez, with certified copies of indictment, judgment and docket sheet to United States District Court for the Southern District of New York. (adg) (Entered: 06/02/2008)



United States Attorney  
Northern District of Georgia

Suite 600 Richard Russell Building Telephone (404)581-6000  
75 Spring Street, S.W. Fax (404)581-6181  
Atlanta, Georgia 30303

May 1, 2007

Richard Goss  
Courtroom Deputy  
US Courthouse, Rm 2121

Sonya Lee-Coggins  
Courtroom Deputy  
US Courthouse, Rm 1856

Janet Reed  
Courtroom Deputy  
US Courthouse, Rm 1767

Angela Smith  
Courtroom Deputy  
US Courthouse, Rm 1807

Regina Martin  
Courtroom Deputy  
US Courthouse, Rm 2367

Lisa Enix  
Courtroom Deputy  
US Courthouse, Rm 1619

Sheila Sewell  
Courtroom Deputy  
US Courthouse, Rm 2188

Re: *United States v. Correa-Mejia, et al.*  
Criminal Action No. 1:06-CR-132-CAP-AJB  
*United States v. Espitia-Tocua, et al.*  
Criminal Action No. 1:06-CR-133-CAP-AJB  
*United States v. Garcia-Perez, et al.*  
Criminal Action No. 1:06-CR-134-CAP-AJB  
*United States v. Mier-Cardenas, et al.*  
Criminal Action No. 1:06-CR-135-CAP-AJB  
*United States v. Herrera-Contreras, et al.*  
Criminal Action No. 1:06-CR-269-CAP-AJB  
*United States v. Herrera-Contreras*  
Criminal Action No. 1:06-CR-263-CAP-AJB  
*United States v. Beach*  
Criminal Action No. 1:03-CR-123-RWS-LTW  
*United States v. Arroyo-Pineda, et al.*  
Criminal Action No. 1:06-CR-396-MHS-ECS  
*United States v. Rivera*  
Criminal Action No. 1:03-CR-558-TWT-LTW

Dear Courtroom Deputies:

This letter is to notify the Court pursuant to LCrR 57.1E(4), NDGa, that I will be out of the office from July 11, 2007 through July 25, 2007. I request that the Court not schedule any court appearances in the above-referenced matter for those dates.

Sincerely,

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

/s/SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY

cc: Counsel for Defendants  
filed electronically

175



United States Attorney  
Northern District of Georgia

---

Suite 600 Richard Russell Building Telephone (404)581-6000  
75 Spring Street, S.W. Fax (404)581-6181  
Atlanta, Georgia 30303

January 8, 2007

Richard Goss  
Courtroom Deputy  
US Courthouse, Rm 2121

Angela Smith  
Courtroom Deputy  
US Courthouse, Rm 1807

Sonya Lee-Coggins  
Courtroom Deputy  
US Courthouse, Rm 1856

Regina Martin  
Courtroom Deputy  
US Courthouse, Rm 2367

Janet Reed  
Courtroom Deputy  
US Courthouse, Rm 1767

Lisa Enix  
Courtroom Deputy  
US Courthouse, Rm 1619

Re: *United States v. Correa-Mejia, et al.*  
Criminal Action No. 1:06-CR-132-CAP-AJB  
*United States v. Espitia-Tocua, et al.*  
Criminal Action No. 1:06-CR-133-CAP-AJB  
*United States v. Garcia-Perez, et al.*  
Criminal Action No. 1:06-CR-134-CAP-AJB  
*United States v. Mier-Cardenas, et al.*  
Criminal Action No. 1:06-CR-135-CAP-AJB  
*United States v. Barbosa-Penaloza*  
Criminal Action No. 1:06-CR-136-CAP-AJB  
*United States v. Herrera-Contreras, et al.*  
Criminal Action No. 1:06-CR-269-CAP-AJB  
*United States v. Beach*  
Criminal Action No. 1:03-CR-123-RWS-LTW  
*United States v. Arroyo-Pineda, et al.*  
Criminal Action No. 1:06-CR-396-MHS-ECS

Dear Courtroom Deputies:

This letter is to notify the Court pursuant to LCrR 57.1E(4), NDGa, that I will be out of the office from February 5, 2007 through February 9, 2007 and February 20, 2007 through February 23, 2007. I request that the Court not schedule any court appearances in the above-referenced matter for those dates.

Sincerely,

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

/s/SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY

cc: Counsel for Defendants  
filed electronically

153

JAN 22 2007

JAMES N. HATTEN, Clerk  
By: *[Signature]*  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
: Plaintiff, : CRIMINAL ACTION FILE  
: : NO. 1:06-CR-133-CAP-AJB  
v. : : Magistrate Judge Baverman  
: :  
ROLFI ESPITIA-TOCUA, :  
et al., :  
: Defendants. :

ORDER ON ATTORNEY'S APPLICATION FOR LEAVE OF ABSENCE

Before the Court is the notice of attorney Sandra Strippoli, seeking a leave of absence for the periods of February 5 - 9, 2007 and February 20 - 23, 2007. The application for a leave of absence is **GRANTED**, but only as to court appearances in this case before the undersigned U.S. Magistrate Judge. The leave of absence is not applicable to any court appearances in this case before the District Court, as to which leave of absence must be separately applied for and obtained. Nor does the leave of absence cover any other deadlines or filings in this case required by or imposed by court order, local rule, operation of law, statute, applicable rule of procedure, or agreement of counsel. Those deadlines or requirements shall remain in full force and effect during any excused absence at court appearances.

**IT IS SO ORDERED,** this the 22nd day of January, 2007.



---

ALAN J. BAVERMAN  
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA :  
: CRIMINAL ACTION  
v. :  
: NO. 1:06-CR-133-CAP  
ROLFI ESPITIA-TOCUA, ET AL. :  
:

ORDER

Having read and considered the government's Petition for Leave of Absence from October 6, 2006, through November 7, 2006, the Court hereby GRANTS the government's motion.

SO ORDERED this 20th day of September, 2006.

s/Charles A. Pannell, Jr. \_\_\_\_\_  
CHARLES A. PANNELL, JR.  
UNITED STATES DISTRICT JUDGE

---

Presented by  
s/Sandra E. Strippoli, AUSA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA :  
v. : CRIMINAL ACTION  
ROLFI ESPITIA-TOCUA, ET AL. : NO. 1:06-CR-133-CAP

PETITION FOR LEAVE OF ABSENCE

COMES NOW the United States of America, by and through its counsel, David E. Nahmias, United States Attorney, and Sandra E. Strippoli, Assistant United States Attorney, for the Northern District of Georgia, pursuant to LR 110-5(d), NDGa, and files this Petition for Leave of Absence for Sandra E. Strippoli in the above-styled action from October 6, 2006, up to and including November 7, 2006. Sandra E. Strippoli will be out of the country. Accordingly, movant requests a leave of absence from October 6, 2006, through November 7, 2006.

Respectfully submitted, this 19th day of September, 2006.

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

s/SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY

600 U.S. Courthouse  
75 Spring St., S.W.  
Atlanta, GA 30303  
404/581-6304  
Georgia Bar No. 688565  
sandy.strippoli@usdoj.gov

102

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document electronically:

Brenda J. Bernstein, Esq.  
Building E  
621 North Avenue, NE  
Atlanta, GA 30308  
[bjbernstein@bernsteinfirm.com](mailto:bjbernstein@bernsteinfirm.com)

L. Burton Finlayson, Esq.  
931 Ponce de Leon Avenue, NE  
Atlanta, GA 30306  
[LBFCOURTS@aol.com](mailto:LBFCOURTS@aol.com)

Andrew M. Greene, Esq.  
Suite 2500  
75 14th Street, NE  
Atlanta, GA 30309  
[andy@andrewgreenelaw.com](mailto:andy@andrewgreenelaw.com)

Dennis C. O'Brien, Esq.  
248 Washington Avenue  
Marietta, GA 30060  
[obrienc@bellsouth.net](mailto:obrienc@bellsouth.net)

Scott P. Semrau, Esq.  
30 Trammell Street  
Marietta, GA 30064  
[semrau\\_s@bellsouth.net](mailto:semrau_s@bellsouth.net)

This 19th day of September, 2006.

s/SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY  
[sandy.strippoli@usdoj.gov](mailto:sandy.strippoli@usdoj.gov)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA :  
v. : CRIMINAL ACTION  
ROLFI ESPITIA-TOCUA, ET AL. : NO. 1:06-CR-133-CAP

ORDER

Having read and considered the government's Petition for Leave of Absence from October 6, 2006, through November 7, 2006, the Court hereby GRANTS the government's motion.

SO ORDERED this \_\_\_\_\_ day of September, 2006.

CHARLES A. PANNELL, JR.  
UNITED STATES DISTRICT JUDGE

---

Presented by  
s/Sandra E. Strippoli, AUSA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIAAPR 26 2006  
DIVISION ATLANTA  
(USA 2006R003)*LUTHER D. YOUNG, Clerk  
By: Sandra E. Strippoli, Deputy Clerk*DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION  
IN UNITED STATES DISTRICT COURT

COUNTY NAME: \_\_\_\_\_

DISTRICT COURT NO. 1:06-cr-133-6

MAGISTRATE CASE NO. \_\_\_\_\_

 Indictment Information Magistrate's Complaint

DATE: MARCH 15, 2006

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

UNITED STATES OF AMERICA  
vs.  
**EDGAR BAEZ**

SUPERSEDING

Prior Case No. &amp; Date Filed

## VIOLATION:

## COUNTS CHARGED:

(as to deft)

## TOTAL COUNTS:

(as to deft)

## GREATER OFFENSE CHARGED:

 Felony       Misdemeanor

## DEFENDANT:

## IS NOT IN CUSTODY:

1.  Has not been arrested pending outcome of this proceeding.

If not detained, give date any prior summons was served on above charges \_\_\_\_\_

2.  Fugitive.3.  Is on bail or release from (district, state & date): \_\_\_\_\_

## DATE OF ARREST: \_\_\_\_\_

Or if arresting agency &amp; warrant were not Federal: \_\_\_\_\_

## DATE TRANSFERRED TO U.S. CUSTODY: \_\_\_\_\_

Are there any outstanding warrants in this proceeding  Yes  No

Date: \_\_\_\_\_

Issued by: \_\_\_\_\_

## IS IN CUSTODY:

4.  On this charge.5.  On another conviction.6. Awaiting trial on other charges  Yes  No  
Federal  State

If Yes, show name of institution \_\_\_\_\_

Has detainer been filed  Yes  No

If Yes, give date \_\_\_\_\_

## ADDITIONAL INFORMATION OR COMMENTS:

MAGISTRATE: \_\_\_\_\_  
JUDGE: \_\_\_\_\_  
A.U.S.A.: SANDRA E. STRIPPOLI  
DEFT'S ATTY: \_\_\_\_\_

DAVID E. NAHMIAS

UNITED STATES ATTORNEY

SANDRA E. STRIPPOLI

Assistant United States Attorney

cc: Orig - Court file  
Copy - U.S. ATTORNEY  
Copy - Defense Attorney

BY: \_\_\_\_\_ DATE: MARCH 15, 2006

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

APR 26 2006

LUTHER D. THOMAS, Clerk  
By: *Edward*  
Deputy Clerk

UNITED STATES OF AMERICA

**CRIMINAL INDICTMENT**

V.

NO. 1:06-CR-133

ROLFI ESPITIA-TOCUA,  
CARLOS ALEXANDER TOCUA,  
ALFREDO MORENO-RIVERA,  
RAFAEL MARMOL,  
RAFAEL TEJEDA,  
EDGAR BAEZ,  
HERIBERTO LANZOT,  
OSWALDO MAYA,  
WILSON A. CANDELERIO-DURAN,  
RAMON F. FLORES,  
FREDDY RIVERA, and  
JOSE R. CURRAS-MORALES,  
a.k.a Manky

**O R D E R**

It is hereby ordered that the Indictment in the above-styled case be unsealed this the 26th day of APRIL, 2006.

C. CHRISTOPHER HAGY  
UNITED STATES MAGISTRATE JUDGE

Presented by  
Sandra E. Strippoli, AUSA

**ORIGINAL**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISIONAPR 26 2006  
**LUTHER D. THOMAS, Clerk**  
By: *Sandra Strippoli*  
**Deputy Clerk**

UNITED STATES OF AMERICA	:	CRIMINAL INDICTMENT
v.	:	NO. 1:06-CR-133
ROLFI ESPITIA-TOCUA,	:	
CARLOS ALEXANDER TOCUA,	:	
ALFREDO MORENO-RIVERA,	:	
RAFAEL MARMOL,	:	
RAFAEL TEJEDA,	:	
EDGAR BAEZ,	:	
HERIBERTO LANZOT,	:	
OSWALDO MAYA,	:	
WILSON A. CANDELERIO-DURAN,	:	
RAMON F. FLORES,	:	
FREDDY RIVERA, and	:	
JOSE R. CURRAS-MORALES,	:	
a.k.a Manky	:	

MOTION TO UNSEAL INDICTMENT

Comes now the United States of America, by David E. Nahmias, United States Attorney, and Sandra E. Strippoli, Assistant United States Attorney for the Northern District of Georgia, and moves this court to unseal the Indictment in the above-styled case and in support thereof shows that some or all of the defendants have now been arrested and there is no longer a need for the indictment to be sealed.

Wherefore, the government respectfully requests that said Indictment be unsealed.

Respectfully submitted,

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY

  
*[Signature]*

SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY

600 U.S. Courthouse  
75 Spring St., S.W.  
Atlanta, GA 30303  
404/581-6304  
404/581-6171 (Fax)  
Georgia Bar No. 688565

United States Attorney  
Northern District of Georgia

**United States District Court**  
NORTHERN DISTRICT OF GEORGIA  
Atlanta Division

FILED IN OPEN COURT  
U.S.D.C. Atlanta

MAR 15 2006

By: *Luther D. Thomas*, Clerk  
*SJZ*, Deputy Clerk

1 : 06 - CR - 133 - 6

United States

v.

EDGAR BAEZ  
(BROOKLYN MDC)

**PRAECIPE**

The Clerk is hereby directed to issue a warrant for arrest, certified copy (copies) of indictment attached. Request that warrant be lodged as detainer in the above-stated case.

*Sandra E. Strippoli*  
Sandra E. Strippoli  
Assistant United States Attorney

**Please forward a copy of the attached memorandum  
to the Marshal's Service for information purposes**

Filed In Clerk's Office, this \_\_\_\_\_  
of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Clerk

By \_\_\_\_\_  
Deputy Clerk

ISSUED AND DELIVERED  
TO U.S. MARSHAL

BY: *SJZ*  
3/15/06  
DEPUTY CLERK

FILED IN OPEN COURT  
U.S.D.C. AtlantaIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MAR 15 2006

LUTHER D. THOMAS, Clerk  
By:   
Deputy Clerk

UNITED STATES OF AMERICA : CRIMINAL INDICTMENT  
v. : NO.  
ROLFI ESPITIA-TOCUA, : UNDER SEAL  
CARLOS ALEXANDER TOCUA, :  
ALFREDO MORENO-RIVERA, :  
RAFAEL MARMOL, :  
RAFAEL TEJEDA, :  
EDGAR BAEZ, :  
HERIBERTO LANZOT, :  
OSWALDO MAYA, :  
WILSON A. CANDELERIO-DURAN, :  
RAMON F. FLORES, :  
FREDDY RIVERA, and :  
JOSE R. CURRAS-MORALES, :  
a.k.a Manky :  
:

1: 06-CR-133

O R D E R

Having read and considered the government's Motion to Seal  
Indictment and application and for good cause shown,

It is hereby ORDERED that the Indictment be sealed.

It is hereby also ORDERED that, notwithstanding the indictment  
being under seal, the Government may use and disclose the  
indictment and arrest warrants to obtain provisional arrest  
warrants and to provide arrest warrants to arresting agents, to  
translate and disseminate extradition paperwork, in Vienna  
Convention Mutual Legal Assistance Requests, and in obtaining

authorization to conduct searches in the United States and elsewhere.



---

ALAN J. BAVERMAN  
UNITED STATES MAGISTRATE JUDGE

Presented by :

Sandra E. Strippoli  
Sandra E. Strippoli, AUSA

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MAR 15 2006

LUTHER D. THOMAS, Clerk  
By:   
Deputy Clerk

UNITED STATES OF AMERICA : CRIMINAL INDICTMENT  
v. : NO.  
ROLFI ESPITIA-TOCUA, : UNDER SEAL  
CARLOS ALEXANDER TOCUA, :  
ALFREDO MORENO-RIVERA, :  
RAFAEL MARMOL, :  
RAFAEL TEJEDA, :  
EDGAR BAEZ, :  
HERIBERTO LANZOT, :  
OSWALDO MAYA, :  
WILSON A. CANDELERIO-DURAN, :  
RAMON F. FLORES, :  
FREDDY RIVERA, and :  
JOSE R. CURRAS-MORALES, :  
a.k.a Manky :  
:

1:06-CR-133

MOTION TO SEAL INDICTMENT

Comes now the United States of America by and through counsel, David E. Nahmias, United States Attorney, and Sandra E. Strippoli, Assistant United States Attorney, and respectfully requests that the attached Indictment, motion to seal and order be sealed for the following reasons:

1.

Premature disclosure of the indictment would provide the subject of a federal criminal investigation with notice that they are indicted and may result in it becoming more difficult to locate and arrest them, as well as jeopardize the safety of the arresting agents.

2.

Additionally, the Government requests that the Government be allowed to use and disclose the indictment and arrest warrants to obtain provisional arrest warrants and to provide arrest warrants to arresting agents, to translate and disseminate extradition paperwork, in Vienna Convention Mutual Legal Assistance Requests, and in obtaining authorization to conduct searches in the United States and elsewhere.

WHEREFORE, the United States of America respectfully requests that this motion, the Indictment and ensuing order be sealed, except for its use and disclosure as set forth above.

Submitted this 15th day of March, 2006.

Respectfully submitted,

DAVID E. NAHMIAS  
UNITED STATES ATTORNEY



SANDRA E. STRIPPOLI  
ASSISTANT UNITED STATES ATTORNEY

600 U.S. Courthouse  
75 Spring St., S.W.  
Atlanta, GA 30303  
(404) 581-6304  
(404) 581-6171 (Fax)  
Georgia Bar No. 688565

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
2211 UNITED STATES COURTHOUSE  
75 SPRING STREET, SW  
ATLANTA, GEORGIA 30303-3361**

**JAMES N. HATTEN  
CLERK OF COURT**

**CRIMINAL SECTION  
404-215-1655**

June 2, 2008

J. Michael McMahon, Clerk  
United States District Court  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

**RE: USA v. Edgar Baez  
Criminal Case No. 1:06-cr-133-6-CAP**

Dear Clerk:

Pursuant to Rule 20 proceedings entered into and filed with this Court, please find enclosed the indictment and case file together with a certified copy of our docket and the Rule 20 consent form.

Please acknowledge receipt on the duplicate copy of this letter as provided, indicating your assigned case number.

Sincerely,

James N. Hatten  
Clerk of Court

By: s/Andrea Gee  
Deputy Clerk

Enclosure